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JPW

Dkt. 0640/71701/JPW/AG

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Jayalekshmy Ayer et al.
Serial No.: 10/729,746
Filed : December 5, 2003
For : A NOVEL CATALYST USEFUL FOR REMOVAL OF HYDROGEN
SULPHIDE FROM GAS STREAM AND ITS CONVERSION TO
SULPHUR, A PROCESS FOR PREPARING SUCH CATALYST
AND A METHOD FOR REMOVING OF HYDROGEN SULPHIDE
USING SAID CATALYST

1185 Avenue of the Americas
New York, New York 10036
May 12, 2004

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

**COMMUNICATION FORWARDING A VERIFIED
STATEMENT (DECLARATION) CLAIMING SMALL
ENTITY STATUS UNDER 37 C.F.R. §1.9(f) AND §1.27(b)**

This Communication is submitted in order to establish small entity status under 37 C.F.R. §1.9(f) and §1.27(b) in connection with the above-identified application. Applicants maintain that small entity status was applicable at the time of filing and that such status still applies. In support, applicants attach hereto a Verified Statement (Declaration) Claiming Small Entity Status Under 37 C.F.R. §1.27(b) (Independent Inventor) for Yayalekshmy Ayer, Pradipkumar Maheshchandra Shah and Virendra Bhikhabhai Patel (**Exhibit A**).

In the event that the United States Patent and Trademark Office charged any fees in addition to those required for a small entity, applicants hereby request a refund for any such fees to the extent such request is still timely. This refund

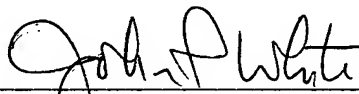
Applicants: Jayalekshmy Ayer et al.
Serial No.: 10/729,746
Filed : December 5, 2003
Page 2

should be credited to Deposit Account No. 03-3125 under Docket No. 0640/71701.

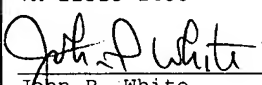
If a telephone interview would be of assistance in advancing prosecution of the subject application, applicants' undersigned attorney invites the Examiner to telephone him at the number provided below.

No fee is deemed necessary in connection with the filing of this Communication. If any fee is required, authorization is hereby given to charge the amount of any such fee to Deposit Account No. 03-3125.

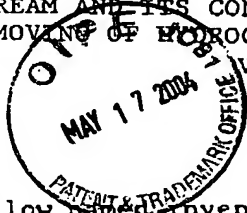
Respectfully submitted,



John P. White
Registration No. 28,678
Attorney for Applicants
Cooper & Dunham LLP
1185 Avenue of the Americas
New York, New York 10036
Tel. No. (212) 278-0400

I hereby certify that this correspondence is being deposited this date with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450	
	5/12/04
John P. White Reg. No. 28,678	Date

Applicant or Patentee: Jayalekshmy Ayyer, et al. Attorney's
Serial or Patent No.: 10/729,746 Docket No.: 0640/71701 JPW/AG
Filed or Issued: December 5, 2003
Title of Invention or Patent: A NOVEL CATALYST USEFUL FOR REMOVAL OF HYDROGEN SULPHIDE FROM
GAS STREAM AND ITS CONVERSION TO SULPHUR, A PROCESS FOR PREPARING SUCH CATALYST AND A METHOD
FOR REMOVING OF HYDROGEN SULPHIDE USING SAID CATALYST
VERIFIED STATEMENT (DECLARATION) CLAIMING
SMALL ENTITY STATUS (37 C.F.R. §1.9(f)
AND §1.27(b)) - INDEPENDENT INVENTOR



As a below named inventor, I hereby declare that I qualify as an independent inventor as defined in 37 C.F.R. §1.9(c)* for purposes of paying reduced fees under 35 U.S.C. §41(a) and §41(b), with regard to the invention entitled A NOVEL CATALYST USEFUL FOR REMOVAL OF HYDROGEN SULPHIDE FROM GAS STREAM AND ITS CONVERSION TO SULPHUR, A PROCESS FOR PREPARING SUCH CATALYST AND A METHOD FOR REMOVING OF HYDROGEN SULPHIDE USING SAID CATALYST described in:

☒ the specification filed herewith
☒ application serial no. 10/729,746 filed December 5, 2003
☐ patent no. _____ issued _____

I have not assigned, granted, conveyed or licensed, and am under no obligation under contract or law to assign, grant, convey or license any rights in the invention to any person who could not be classified as an independent inventor under 37 C.F.R. §1.9(c)* if that person had made the invention, or to any concern which would not qualify as a small business concern under 37 C.F.R. §1.9(d)* or a nonprofit organization under 37 C.F.R. §1.9(e)*.

If I have assigned, granted, conveyed, or licensed, or if I am under an obligation under contract or law to assign, grant, convey, or license any rights in the invention to any person, concern, or organization, these are listed below.

Name: _____
Address: _____

☐ Individual ☐ Small Business Concern ☐ Nonprofit Organization

Name: _____
Address: _____

☐ Individual ☐ Small Business Concern ☐ Nonprofit Organization

Name: _____
Address: _____

☐ Individual ☐ Small Business Concern ☐ Nonprofit Organization

I acknowledge the duty to file in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. 37 C.F.R. §1.28(b)*.

^aNOTE: Separate verified statements are required from each named person, concern, or organization having rights to the invention averring to their status as small business entities. 37 C.F.R. §1.27.

*See Reverse

(c) An independent inventor as used in this chapter means any inventor who (1) has not assigned, granted, conveyed, or licensed, and (2) is under no obligation under contract or law to assign, grant, convey, or license, any rights in the invention to any person who could not likewise be classified as an independent inventor if that person had made the invention, or to any concern which would not qualify as a small business concern or a nonprofit organization under this section.

(d) A small business concern as used in this chapter means any business concern as defined by the Small Business Administration in 13 C.F.R. §121.3-18, published on September 30, 1982 at 47 FR 43273. For the convenience of the users of these regulations, that definition states:

§121.3-18 Definition of small business for paying reduced patent fees under Title 35, U.S. Code.

(a) Pursuant to Pub. L. 97-247, a small business concern for purposes of paying reduced fees under 35 U.S. Code 41(a) and (b) to the Patent and Trademark Office means any business concern (1) whose number of employees, including those of its affiliates, does not exceed 500 persons and (2) which has not assigned, granted, conveyed, or licensed, and is under no obligation under contract or law to assign, grant, convey or license, any rights in the invention to any person who could not be classified as an independent inventor if that person had made the invention, or to any concern which would not qualify as a small business concern or a nonprofit organization under this section. For the purpose of this section concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both. The number of employees of the business concern is the average over the fiscal year of the the persons employed during each of the pay periods of the fiscal year. Employees are those persons employed on a full-time, part-time or temporary basis during the previous fiscal year of the concern.

(b) If the Patent and Trademark Office determines that a concern is not eligible as a small business concern within this section, the concern shall have a right to appeal that determination to the Small Business Administration. The Patent and Trademark Office shall transmit its written decision and the pertinent size determination file to the SBA in the event of such adverse determination and size appeal. Such appeals by concerns should be submitted to the SBA at 1441 L Street, NW., Washington, D.C. 20416 (Attention: SBA Office of General Counsel). The appeal should state the basis upon which it is claimed that the Patent and Trademark Office initial size determination on the concern was in error; and the facts and arguments supporting the concern's claimed status as a small business concern under this section.

(e) A nonprofit organization as used in this chapter means (1) a university or other institution of higher education located in any country; (2) an organization of the type described in section 501(c)(3) of the Internal Revenue Code of 1954 (26 U.S.C. 501(c)(3)) and exempt from taxation under section 501(a) of the Internal Revenue Code (26 U.S.C. 501(a)); (3) any nonprofit scientific or educational organization qualified under a nonprofit organization statute of a state of this country (35 U.S.C. 201(i)); or (4) any nonprofit organization located in a foreign country which would qualify as a nonprofit organization under paragraphs (e)(2) or (3) of this section if it were located in this country.

37 C.F.R. §1.28(b)

(b) Once status as a small entity has been established in an application or patent, fees as a small entity may thereafter be paid in that application or patent without regard to a change in status until the issue fee is due or any maintenance fee is due. Notification of any change in status resulting in loss of entitlement to small entity status must be filed in the application or patent prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate pursuant to §1.9 of this part. The notification of change in status may be signed by the applicant, any person authorized to sign on behalf of the assignee, or an attorney or agent of record or acting in a representative capacity pursuant to §1.34(a) of this part.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. §1001, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Name of Inventor: Jayalekshmy AyyerSignature of Inventor: *Mahesh* Date: 26.4.04Name of Inventor: Pradipkumar Maheshchandra ShahSignature of Inventor: *Pradip* Date: 26.4.04Name of Inventor: Virendra Bhikhabhai PatelSignature of Inventor: *V. Patel* Date: 26.4.04